

1 former counsel to file a statement of compliance. The Clerk of the Court served the order on former
2 defense counsel, Kristen T. Gallagher. *See Dkt. #91*. Former defense counsel filed a Statement of
3 Compliance (#96) on May 9, 2014, therein indicating the last known addresses of the respective
4 Defendants. The Court then ordered the addresses be added to the docket. *See Dkt. #97*.

5 In order to reasonably assure the Defendants received actual notice of the Court's orders
6 informing them of their obligation to retain new counsel and of the consequences for failing to do so,
7 the Court entered an Amended Order to Show Cause (#98), which was properly served on the
8 Defendants by the Clerk of the Court. The Amended Order (#98) gave Defendants until May 22, 2014
9 to respond and again notified Defendants that failing to do so would result in a recommendation to the
10 District Judge that Defendants' answer be stricken and a default judgment be entered against them. *See*
11 *Order #89*. To date, Defendants have not complied.

12 A corporation may appear in federal court only through licensed counsel, and if a corporate
13 defendant does not retain counsel, the district court may strike the corporation's answer. *See D.C.*
14 *Aviation, LLC. v. Avbase Flight Services, LLC.*, WL 2683554, 1 (D. Colo 2007); *see also Pert 35, Inc.*
15 *v. Amari Aviation, Ltd.*, WL 1257949, 3 (N.D.N.Y 2010). Furthermore, Fed. R. Civ. P 55(b)(2)
16 provides for the entry of default judgment in the event a defendant has failed to plead or otherwise
17 defend in an action. *See Parise v. Riccelli Haulers, Inc.*, 672 F.Supp. 72, 74 (N.D.N.Y. 1987).

18 Here, Defendant corporations were given sufficient time to retain counsel to defend their action.
19 Despite the Court's order (#98), Defendants have failed to retain new counsel or show cause as to this
20 delay in complying with the Court's orders. Accordingly,

21 **RECOMMENDATION**

22 **IT IS HEREBY RECOMMENDED** that Defendants' Answer (#29) be stricken and default
23 judgement entered in favor of the Plaintiff.

24 DATED this 23rd day of May, 2014.

25 
26 GEORGE FOLEY, JR.
27 United States Magistrate Judge
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